

NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JUDY LARSON, et al., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

SPRINT NEXTEL CORPORATION, et al.,

Defendants.

Civil Action No.: 07-5325 (JLL)

**ORDER**

This matter comes before the Court by way of an application for reimbursement of out-of-pocket litigation expenses attributable to the representation of members of the Sprint California Subscriber Class by the following law firms: (1) Bramson, Plutzik, Mahler & Birkhaeuser, LLP (“Bramson”), (2) Reich Radcliffe & Kuttler, LLP (“Reich”), and (3) Cuneo, Gilbert & Laduca, LLP (“Cuneo”). These firms were among the firms designated by the Court as comprising the “Plutzik Group” in its January 15, 2010 Opinion and Order approving the Sprint Nextel Settlement.

In its January 15<sup>th</sup> Order, the Court directed the following:

**ORDERED** that the motion by the Plutzik Group for an award of attorneys’ fees and expenses associated with their work on the Ayyad, Robertson, Molfetas and Lee matters [Docket Entry No. 386] is **granted in part and denied in part**. Attorneys’ fees in the amount of **\$565,950** are hereby awarded to the Plutzik Group. Members of the Plutzik Group shall submit supplemental declarations to Class Counsel clearly listing the number of hours and lodestar specifically associated with their work on behalf of the California Subscriber Action on or before **Wednesday, February 10, 2010**. Class Counsel shall then determine the most reasonable method of allocating the \$565,950 fee award among the various firms comprising the Plutzik Group and advise the Court accordingly. The request for

reimbursement of out-of-pocket litigation expenses by members of the Plutzik Group is **denied without prejudice**. Members of the Plutzik Group may submit supplemental declarations to the Court by **Wednesday, February 10, 2010** setting forth the specific types and/or categories of expenses associated with their work done solely on behalf of the California Subscriber Action.

On February 2, 2010, the Reich and Cuneo firms submitted supplemental declarations. The Bramson firm submitted its supplemental declaration on February 10, 2010. The three supplemental declarations list the following expenses associated with work done solely on behalf of the California Subscriber Class:

Bramson	\$20,232.50
Reich	\$2,689.33
<u>Cuneo</u>	<u>\$1,788.74</u>
TOTAL	<b>\$24,710.57</b>

The foregoing law firms have now jointly filed a motion for reimbursement of such expenses. (Docket Entry No. 566). Class Counsel does not dispute the reasonableness of the expenses sought. Nevertheless, Class Counsel opposes the motion on the basis that “the attorney fee ‘pie’ is of a finite size and the Court has already divided the pie among the various groups of attorneys. The expenses the Plutzik Group is seeking will not make the pie any larger, nor make their slice of the pie any larger. It does not entitle the Plutzik Group to any more dollars than they have already received, it simply allocates those dollars from ‘fees’ to ‘expenses.’ ” (Docket Entry No. 573). Based on the reasons that follow, the Court disagrees with Class Counsel’s position and grants the request for expenses filed by the Bramson, Reich, and Cuneo law firms.

This Court’s January 15, 2010 Opinion and Order made clear that: (a) the amount of attorneys’ fees awarded to Class Counsel (\$5,775,000) was “subject to reduction by any out-of-

pocket litigation expenses which are (or may be) granted by the Court,” and (b) the issue of what out-of-pocket litigation expenses, if any, should be paid to members of the Plutzik Group remained outstanding as of January 15, 2010. Moreover, although the Court did not formally respond to the supplemental declarations filed by the Bramson, Reich and Cuneo law firms, said declarations were filed on the Court’s electronic docket in a timely manner; therefore, by February 10, 2010, Class Counsel was on notice that such requests for reimbursement of expenses had been made, were pending, and, if granted, would result in a disbursement of said amount from the total amount of attorneys’ fees awarded by the Court (\$5,775,000). Finally, in awarding the Plutzik Group \$565,950 in attorneys’ fees, and leaving open the issue of expenses, the Court made no indication (in its January 15<sup>th</sup> Order) that any future award of expenses to members of the Plutzik Group would involve a reallocation of the \$565,950 from fees to expenses.

After an exhaustive examination of the Court’s lengthy docket in this matter, the Court also notes that a supplemental declaration was submitted by the Law Offices of Carl Hilliard (“Hilliard”) in support of a request for payment of out-of-pocket litigation expenses. See Docket Entry No. 491; 247-8. Hilliard seeks reimbursement of \$1,268.73 in expenses attributable to its involvement in proceedings before the FCC (relating to the California Subscriber Class). Although Hilliard represents that no distinction was drawn between the California Payer and Subscriber Class for purposes of the FCC proceedings (and, therefore, that he was unable to limit his request to expenses attributable only to the Subscriber Class as directed by the Court), to date, no opposition has been filed with respect to Hilliard’s request.

Accordingly, **IT IS** on this 18<sup>th</sup> day of August, 2010,


**ORDERED** that the joint motion of the Bramson, Reich and Cuneo law firms for reimbursement of out-of-pocket litigation expenses incurred in connection with their representation of members of the California Subscriber Class (Docket Entry No. 566) is **granted**; and it is further

**ORDERED** that the request for out-of-pocket litigation expenses by the Law Offices of Carl Hilliard (Docket Entry Nos. 491; 247-8) is also **granted**; and it is further

**ORDERED** that the following out-of-pocket litigation expenses be and are hereby awarded accordingly:

Bramson	\$20,232.50
Reich	\$2,689.33
Cuneo	\$1,788.74
Hilliard	\$1,268.73

**IT IS SO ORDERED.**

  
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Jose L. Linares  
UNITED STATES DISTRICT JUDGE